

ENTERED

July 08, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,	§	
	§	
VS.	§	CIVIL ACTION NO. 7:19-CV-200
	§	
11.35 ACRES OF LAND, MORE OR	§	
LESS, SITUATE IN STARR COUNTY, <i>et</i>	§	
<i>al</i> ,	§	
	§	
Defendants.	§	

**ORDER GRANTING OPPOSED MOTION TO AMEND JUDGMENT BY THE UNITED
STATES OF AMERICA PURSUANT TO F.R.C.P. 59(e)**

The Court has considered the motion by the United States of America to amend judgment pursuant to F.R.C.P. 59(e), and the Court is of the opinion that it should be granted.

On June 7, 2021, this Court found that Rafael Castro Jimenez was the owner of Tract RGV-RGC-5075 at the time of the takings made the subject of this action.¹ It further determined Rafael Castro Jimenez possessed the property, and paid property taxes on it, for a period of time sufficient to establish [the] necessary requirements [of] adverse possession.”; *see* TEX. CIV. PRAC. & REM. CODE § 16.025.

On June 21, 2021, this Court also found that the United States’ deposits of \$100.00 and \$10,992.00 in the Court’s registry constitute just compensation for the temporary easement and fee takings, respectively.² The United States was further ordered to advise the Court of how it intends to proceed with the distribution of proceeds, and file any appropriate dismissal documents.

¹ Dkt No. 29.

² Dkt No. 30.

within 30 days of the date of these findings.³

The remaining funds in the registry of the Court, deposits of \$100.00 for the temporary easement and \$10,992.00 for the fee taking, are the final amounts of just compensation owed to the final remaining interested party, Rafael Castro Jimenez. However, because Rafael Castro Jimenez has been actively avoiding the United States and has made no effort to present a claim for the remaining funds, there is no benefit at present to leave this case open on the Court's docket.

On July 7, 2021, the Court ordered the Clerk of Court leave the remaining funds of \$100.00 and \$10,992.00 in the Court's registry, along with any accrued interest earned thereon while on deposit, unless and until Rafael Castro Jimenez (or his heirs) decide to claim it.⁴ The Court also ordered that the closing of this case is without prejudice to any claimant petitioning the Court for a partial or full disbursement of the just compensation remaining in the Registry of the Court in this case.⁵ Any claimant believing it is entitled to just compensation in this matter may petition the Court pursuant to 28 U.S.C. § 2042 for a disbursement after providing the required notice to the United States Attorney's Office for the Southern District of Texas, and presenting the appropriate proof of the claimant's right to the just compensation requested.⁶

The Court further **ORDERS**, pursuant to F.R.C.P. 59(e), the judgment be amended, and whereas now, all Defendants to this action and all persons in possession or control of the property described in the Complaint and Declaration of Taking to immediately surrender possession of the condemned estate to the United States.

The Court further **ORDERS** the Clerk of Court to disburse the sum of one thousand, eight hundred, and eighty-three and 35/100 dollars (\$1,883.35) payable to the order of: Starr County

³ *Id.*

⁴ Dkt No. 32.

⁵ *Id.*

⁶ *Id.*

TAC for Account Number: 9345 for ad valorem taxes owed on the subject property.

SO ORDERED this 8th day of July, 2021, at McAllen, Texas.

A handwritten signature in black ink that reads "Randy Crane". The signature is written in a cursive, slightly stylized font. The "R" is large and loops around the "a", and the "C" is also large and loops around the "r". The "e" is written with a simple horizontal stroke.

Randy Crane
United States District Judge

